

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

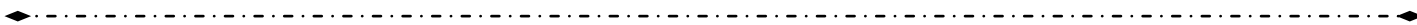
**Meeting Date:** November 17, 2016

**Agenda Item:** Duck Creek Bay on Fort Peck Reservoir No Wake Petition (R6)

**Division:** Enforcement

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 10 minutes



### **Background:**

Tim Jennings submitted a petition for a no wake restriction in the Duck Creek Bay located on Fort Peck Reservoir. The proposal restricts the Duck Creek Bay to no wake motorized boating starting near the mouth of the bay. The petition references concerns for safety and property damage, as the area has a boat ramp and camping area and is becoming increasingly more popular.

### **Public Involvement Process & Results:**

The public has not an opportunity to review or comment on the petition. If approved by the Commission, rulemaking processes would be initiated that would include public involvement.

### **Alternatives and Analysis:**

The Commission is required to either deny the petition or initiate rulemaking. If the Commission denies the petition, the regulation of the water body listed in the petition will remain as it is currently. If the Commission initiates rulemaking, the process for rulemaking under the Montana Administrative Procedure Act (MAPA) will begin.

### **Agency Recommendation & Rationale:**

The Department recommends the Commission initiate rule making on the petition, but recommends that the wording describing the no wake zone be changed to "Duck Creek Bay as Buoyed". The Department feels this is necessary to accommodate changing water levels that occur annually on the lake and makes it easier for the public to comply with the no wake zone. The rationale for the Department's position on the petition is that this part of Ft. Peck Lake has seen a substantial increase in motorized boating use in recent years. For the interests of public health, public safety, and public welfare, the Department recommends the Commission initiate rulemaking on the petition, limiting the Duck Creek Bay to a no wake zone as buoyed.

### **Proposed Motion:**

I move the Commission initiate rulemaking on the petition submitted by Tim Jennings requesting an administrative rule regarding limiting the Duck Creek Bay to a no wake zone as buoyed.